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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,125	12/30/2003	Gregory D. Swedberg	MSI-1750US	3301
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER AUGUSTINE, NICHOLAS	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,125	<b>Applicant(s)</b> SWEDBERG ET AL.	
	<b>Examiner</b> Nicholas Augustine	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6,8-13 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,6,8-13,15-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- A. This action is in response to the following communications: Request for Continued Examination filed: 09/07/2007.
- B. Claims 1-2,6,8-13 and 15-28 remain pending.
- C. Claim objections are withdrawn due to amendment.

### ***Claim Rejections - 35 USC § 112***

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 1,21 and 23 recite the limitation "dummy window handle" in 16 of claim 1.  
There is insufficient antecedent basis for this limitation in the claim.
- 3. Claims 12,13 and 19 recite the limitation "mock window handle" in 13 of claim 12.  
There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

- 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2,6,8-13 and 15-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gershony et al. (US 6,549,218), herein referred to as "Gershony".

As claim 1, Gershony teaches a system, embedded at least in part on tangible computer readable medium for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising: a first graphics system that comprises an immediate mode graphics technology; a second graphics system that comprises a compositional mode graphics technology (figure 3; col.7, lines 33-59); a first graphics system configured to render window content in a first mode (fig. 3, label 350; col. 8, lines 13-15) the first graphics system being further configured to reference a first type of window using a window handle associated with an instance of the first type of window (fig. 3, label 340; col. 7, lines 60-64); a second graphics system configured to render windows in a second mode (fig. 3, label 380; col. 8, lines 24-26), the second graphics system being further configured to reference a second type of window without a need of using any window (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same window handle as depicted for the first window, to ensure the window is redirected); and an interoperability component configured to cause a dummy window handle to be created for an instance of a window of the second type (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41 ; col. 6, lines 14-15; col. 8, lines 52-58, that using "MICROSOFT WINDOWS" to create window "CreateWindowEX 0", using known "Microsoft Component Object Model (COM) to call functions "Microsoft Windows GetDCoO" with a NULL window handle as a parameters and

"CreateCompatibleBitmap()" to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call "ViewObject2::Draw () to draw (perform) a graphics related action to enhance).

As claim 2, Gershony further teaches an application program including a first window and a second window (col. 1, lines 34-37), the first window being of the first type and the second window being of the second type (col. 2, lines 47-49).

As claim 6, Gershony further teaches the second graphics system is configured to create a mapping from the dummy window handle to a node in an internal construct used by the second graphics system to manage windows of the second type (fig. 2, label 250; col. 6, lines 67; col. 7, lines 1-12).

As claim 8, Gershony further teaches the second graphics system is further configured to create a render target for receiving rendered window content (col. 6, lines 61-67; col. 7, lines 1-13).

As claim 9, Gershony further teaches the render target resides in system memory (fig. 1, label 22; col. 6, lines 61-67).

As claim 10, Gershony further teaches the render target resides in video memory (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line, that there must be video memory as described as known before and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 11, Gershony further teaches the render target records rendering commands generated for windows of the second type and that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines 13-29, that by applying the special effects to the window the final result will be displayed (played back)).

As claim 12, Gershony teaches a tangible computer-readable storage medium (fig. 1, label 32) having computer executable components (col. 4, lines 65-67; col.5, lines 1-2) for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising: a first graphics system that comprises an immediate mode graphics technology; a second graphics system hat comprise a compositional mode graphics technology (figure 3, col.7, lines 33-59) an interoperability component that interfaces with an application program (col. 2, line 67; col. 3, lines 1-4), the application program including a first window and a second window (col. 1, lines 34-37), the first window being compatible with the first graphics system that uses window handles to reference

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windows (fig. 3, labels 340 and 350; col. 7, lines 60-64; col. 8, lines 13-15), the second window being compatible with a second graphics system that does not rely on the window handles (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same window handle as depicted for the first window, to ensure the window is redirected); and a mock window handle associated with the second window, the mock window handle to indicate that the second window is compatible with the second graphics system (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41; col. 6, lines 14-15; col. 8, lines 52-58, that using "MICROSOFT WINDOWS" to create window "CreateWindowEX 0", using known "Microsoft Component Object Model (COM) to call functions "Microsoft Windows GetDCo()" with a NULL window handle as a parameter and "CreateCompatibleBitmap0" to create a dummy (blank/mock) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call "ViewObject2::Draw () to draw (perform) a graphics related action to enhance).

As claim 13, Gershony further teaches a mapping, maintained by the second graphics system, from the mock window handle to a node in an internal construct used by the second graphics system to manage the second window (col. 9, lines 45-51, that a data structure will contain mapping linking the mock window handle to the node and is a key module to managing the display of windows).

As claim 15, Gershony further teaches the second graphics system is further configured to create a render target for receiving rendered window content (col. 6, lines 61-67; col. 7, lines 1-13).

As claim 16, Gershony further teaches the render target comprises a software • render target (fig. 1, label 22; col. 6, lines 61-67; col. 7, line 1).

As claim 17, Gershony further teaches the render target comprises a hardware render target (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line, that there must be video memory as described as known better and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 18, Gershony further teaches the render target records rendering commands generated for the second window and that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines 13-29, that by applying the special effects to the window the final result will be displayed (played back)).



As claim 19, Gershony further teaches the mock window handle is associated with a device context associated with the second window (col. 2, lines 11-16).

As claim 20, Gershony further teaches the device context comprises a null device context (col. 8, lines 51-53, lines 66-67; col. 9, lines 1-8, that if the function fails, the return value is null, indicating an error or an invalid HWND parameter).

As claim 21 (Currently Amended), Gershony teaches a computer-implemented method (fig. 1, labels 36, 37) for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising: receiving a request to create a new window (col. 2; lines 11-16); determining if the new window is of a type associated with an alternative graphics system that does not require the use of a window handle (fig. 3, label 340; col. 7, lines 62-64); if so, creating a dummy window handle for the new window to facilitate interoperability with a conventional graphics system (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41; col. 6, lines 14, 15; col. 8, lines 52-58, that using "MICROSOFT WINDOWS" to create window "CreateWindowEX ()", after that using known "Microsoft Component Object Model (COM) to call functions "Microsoft Windows GetDCo()" with a NULL window handle as a parameter to create a blank (dummy) window bitmap in memory); creating a new visual to be created in connection with the new window, the visual being a construct associated with the alternative graphics system (col. 8, lines 26-34; calling function "CreateCompatibleBitmap()" to

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make a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and calling "ViewObject2::Draw () to draw (perform) a graphics related action to enhance); and associating the dummy window handle with the new visual (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same window handle as depicted for the first window, to ensure the window is redirected).

As claim 22 (Currently Amended), Gershony further teaches if the new window is not of the type associated with the alternative graphics system, rendering the window in accordance with a the conventional graphics system (fig. 3, labels 350, 360, 370; col. 8, lines 13-19).

As claim 23 (Currently Amended), Gershony further teaches receiving an instruction to render display content to the new window referenced by the dummy window handle (col. 3, lines 8-12), looking up the new visual based on the association between the dummy window handle and the new visual (col. 8, lines 43-45, that applying visual effects, is only accomplished by reading/referencing the window handles), and rendering the display content to the new visual (fig. 3, labels 350, 360, 370).

As claim 24, Gershony further teaches rendering the display content to the new visual (fig. 3, labels 350, 360, 370) further comprises issuing rendering commands to a render target associated with the new visual (col. 3, lines 8-12).

As claim 25, Gershony further teaches the render target comprises a software render target (fig. 1, label 22; col. 6, lines 61-67; col. 7, line 1).

As claim 26, Gershony further teaches the render target comprises a hardware render target (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line, that there must be video memory as described as known before and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 27, Gershony further teaches the render target records rendering commands generated for the new window that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines 13-29, that by applying the special effects to the window the final result will be displayed (played back)).

As claim 28, Gershony further teaches a computer-readable medium encoded with computer-executable instructions for performing the method of claim 21 (fig. 1, label 36; col. 5, lines 3-7).

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**(Note:)** It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

Applicant's arguments filed 09/07/2007 have been fully considered but they are not persuasive.

A1. Applicant only argues on limitation that Gershony does not disclose a second graphics system being further configured to reference a second type of window without a need of using any window handle (page 14 of amendment).

R1. After careful analysis of the new limitation it appears the applicant merely replaces the term window handle for handle from there a better understanding lead to the applicants definition of a handle "a "handle is any window handle that a program can use to identify and access an object, such as a window. Thus Examiner believes the teachings of Gershony does disclose a second graphics system being further configured to reference a second type of window without a need of using any *window handle* (figure 3-4; col.7, lines 60-64, that if the window is redirected it will not utilize the same window handle (which comprises a window handle; col.7, lines 14-17; col.8, lines 51-54 (taken from dependent claim 5; which was not argued by the Applicant, thus

appears by the Examiner that the Applicant agrees with the analysis of claim 5 presented in the last office action) as depicted for the first window, to ensure the window is redirected).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

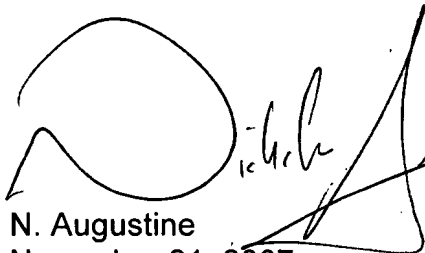
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



N. Augustine  
November 21, 2007

Nicholas Augustine  
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